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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,484	06/09/1999	HIDEAKI FUNAKOSHI	3064NG/47927	6889

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CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 09/08/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

	Application No.	Applicant(s)
	09/328,484	FUNAKOSHI, HIDEAKI
	Examiner	Art Unit
	Brown M. Reuben	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 03 October 2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1 and 4-6 is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) 2 and 3 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 & 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Birch, (U.S. Pat # 5,583,562).

Considering claim 1, the claimed digital broadcasting receiver comprising a transport unit for separating/dividing a demodulated digital broadcast signal reads on the operation of the demultiplexor 156 in Birch, which receives a demodulated signal from the demodulator 154, see Fig. 1 & col. 5, lines 49-51. The claimed feature of detecting one of a one-channel or multi-channel broadcast based on a packet ID included in the digital broadcast signal is met by the receiver's detection of the HDTV flag. Birch teaches that the packet header includes a code, which identifies video services, and an additional HDTV flag is also set in order to identify a video stream as being of HDTV format, col. 11, lines 15-45; col. 22, lines 51-65; col. 23, lines 1-6 & Fig. 12B.

As for the additionally claimed feature of a sub-channel control unit that outputs a broadcast signal with a predetermined packet ID when the detected result indicates multi-channel broadcasting, the recitation reads on the disclosure of the data processors 157, see col. 5, lines 56-61.

Considering claim 4, the claimed outputting the OSD of the sub-channel of the broadcasting signal is broad enough to read on actually outputting the video signal itself, which is inherently how Birch operates, see col. 5, lines 56-58 & col. 6, lines 11-15.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birch.

Considering claims 5-6, the claimed method of controlling a digital broadcasting receiver includes steps that correspond with subject matter mentioned above in the rejection of claims 1

& 4, and are likewise analyzed. As for the additional step of an OSD control unit causing an OSD to be made by superimposing data on broadcasting screen, Birch does not discuss such a feature. Nevertheless, Official Notice is taken that at the time the invention was made, superimposing data on a screen such as the channel that is currently tuned was well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Birch with the known technique of superimposing information, such the channel tuned onto a TV screen for the beneficial purpose of providing the viewer with useful additional information with respect to the currently tuned TV program.

As for claim 6, the newly added claim calls for a computer software product for performing the method steps recited in claim 5. Birch does not explicitly show that the receiver system 150 is computerized. Official Notice is taken that at the time the invention was made, it was well known in the art to include in a subscriber terminal, such as a set-top box, a microprocessor being controlled by computer software stored in memory, such as ROM. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Birch with the very well known feature of a microprocessor being controlled by computer software, at least for the desirable improvement of a more dynamic equipment which can be programmed to provide various features to different subscribers.

*Allowable Subject Matter*

5. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Considering claim 2, the prior art of record does not teach or fairly suggest the claimed features comprising a setting unit for setting a sub-channel to be initially displayed when the one-channel broadcasting is switched to multi-channel broadcasting, a recording unit for holding the sub-channel set via the setting unit, such that the sub-channel control unit controls the transport unit so that when a multi-channel broadcasting signal is detected, a packet ID corresponding to the sub-channel held in the recording unit is outputted. Claim 3 depends from claim 2, and is likewise allowable for at the same reasons.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A) Morrison Teaches a HD to SD converter, which detects whether programs on an EPG are SDTV or HDTV.
- B) WU Detects whether a signal is an HDTV for an encoder.
- C) Gove Teaches dividing TV signals into various channels.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brown M. Reuben whose telephone number is (703) 305-2399. The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

*Andrew Faile*  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600